

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

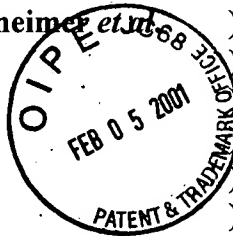
In re Application of: **Harald Sontheimer et al.** )

Application No. **8/980,395**

Filed: **November 28, 1997**

For: **Novel Method of Diagnosing and  
Treating Gliomas** )

Commissioner for Patents  
Washington, D.C. 20231



Group Art Unit: **1642**

Examiner: **Unassigned**

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2-50,

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicants brings to the attention of the Examiner the documents listed on the attached PTO-1449. This Information Disclosure Statement is being filed, to the best of the undersigned's knowledge, before the mailing date of a first Office Action on the merits for the above-referenced application. Accordingly, Applicants do not believe that a fee is due with the filing of this paper.

The present application is a continued prosecution application of a divisional application of U.S. Application No. 08/774,154 filed December 26, 1996 (now U.S. Patent 5,905,027) which is a U.S. national phase application of International Application PCT/US90/20403. A copy of the International Search Report from this application is attached along with the references cited in the report.

Applicants respectfully request that the Examiner consider the listed documents and evidence that consideration by making appropriate notations on the attached form. This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute prior art. If the Examiner applies any one of the documents as prior art against any claim in the application, and Applicants determine that the cited document does not constitute prior art under United States law, Applicants reserve the right to present to the office the relevant facts and law

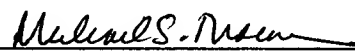
regarding the appropriate status of such document.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

**Except** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0310. This paragraph is intended to be a **Constructive Petition for Extension of Time** in accordance with 37 C.F.R. § 1.136(a)(3).

Dated: **February 5, 2001**  
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Respectfully submitted  
**Morgan, Lewis & Bockius LLP**

  
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